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09/545,078	04/07/2000	Stephane H Maes	Y0999-273(8728-298)	1114

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EXAMINER	
PRIETO, BEATRIZ	

ART UNIT	PAPER NUMBER
2142	7

DATE MAILED: 10/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PPG

Office Action Summary	Application No. 09/545,078	Applicant(s) MAES, STEPHANE H
	Examiner B. Prieto	Art Unit 2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 August 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *8/06/03* is/are: a)☒ accepted or b)☐ objected to by the Examiner. /DRAFTSPERSON

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This communication is in response to amendment filed 08/08/03, claims 1-38 remain pending and are hereby set forth for examination.

Claim Rejections - 35 USC § 103

2. Quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action may be found in previous office action.

3. Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over SAYLOR et. al. (Saylor) U.S. Patent No. 6,501,832 in view of HUNA U.S. Patent No. 6,438,217 in further view of Jamtgaard et. al. (Jamtgaard) U.S. Patent No. 6,430,624

Regarding claim 1, Saylor teaches substantial features of the invention as claimed, teaching a system/method including a computing device (12 of Fig. 1) (portal) comprising:

an interface (conversational browser) for conducting information exchange (i.e. multi-modal dialog) (col 23/lines 34-47, col 4/lines 43-col 5/line 20) with clients (14 of Fig. 1, col 14/lines 10-14) having varying input/output I/O (i.e. visual or audio) capabilities (i.e. I/O modalities) (col 9/lines 67-col 10/line 5),

wherein the conversational browser retrieves information (content: col 2/lines 5-16, visual or audio content, & multi-modal information col 4/lines 16-28) from an information source (70 of Fig. 1, col 11/lines 43-52 or 18 of Fig. 1, col 14/lines 19-28, or 22 of Fig. 1) in response to a request (col 8/lines 37-63) from a requesting client (col 5/lines 9-20, col 8/lines 37-53, retrieval module: col 31/lines 1-15),

serving or presenting the retrieved information to the requesting client (col 3/line 63-col 4/line 4) format that is compatible with the I/O modalities of the requesting client (col 8/lines 14-36, presented to the user: col 5/lines 4-8, provide to user visual or audio content: col 5/lines 9-20).

although the above-mentioned prior of record teaches a device for conducting the claimed multi-modal dialog as discussed above, this device is not called a "conversational browser" and the I/O capabilities (i.e. modalities) of the prior art do not include only one modality (e.g. voice-only);

Huna teaches s system/method related to information exchange (i.e. dialog) (col 1/lines 50-53) with user at endpoint devices (102, 108 & 110) having varying I/O capabilities (col 6/lines 24-28, e.g.

voice-only, text-only, col 20/lines 52-55, 66-col 21/line 2), teachings means for serving or presenting information to the user in a format that is compatible with the I/O modality (Fig. 8), including identifying the I/O modality of the device to whom communication is to be delivered (col 19/lines 29-41) and based on determining the I/O modality of said device (Fig. 8, step 816), converting the information to be delivered to identified device based on is I/O capabilities or modalities (Fig. 8, step 818, col 15/lines 25-45, conversion capabilities based on the I/O capabilities of the receiving device, col 20/lines 34-35);

however prior art does not teach converting the retrieved page if necessary for presenting the retrieved page in a format compatible with the I/O modalities of the requesting client;

Jamtgaard teaches converting the retrieved page if necessary for presenting the retrieved page in a format compatible with the I/O modalities of the requesting client (col 7/lines 12-30, col 4/lines 39-50);

It would have been obvious to one ordinary skilled in the relevant art at the time the invention was made to utilize Huna's teachings for identifying the I/O modalities of a device and presenting/serving information in a format that is compatible with the I/O modalities of the client to whom information is to be delivered, i.e. presented or served, motivation would be integrate multiple modalities (i.e. access modes) from multiple distinct devices operating in telephony and data networks supporting communicated between said different without requiring special purpose hardware/software modification to the client device. It would have been obvious to one ordinary skilled in the art given Saylor suggestion of including text in the generated to further include Jamtgaard's teachings for conducting information exchange e.g. multi-modal dialog with clients having varying input or output (i.e. visual and/or audio) capabilities (i.e. I/O modalities) and converting retrieved pages as need to a format compatible with the I/O modalities of the requesting client, as taught by Jamtgaard, motivation would be automatically provide different types of content converted as needed to a format compatible with the I/O modalities of the requesting client including browser specification and communication protocol.

Regarding claims 2-3, the information provided by the information sources is implemented in a multi-modal representation, which is a format (modality-independent format) (Saylor: col 14/lines 46-60, multi-modal content col 23/lines 34-47, col 4/lines 43-col 5/line 20).

Regarding claim 4, computing device (transcoder), operatively associated with the conversational browser, for converting the (multi-modal) information into one specific format (modality-specific format) based on the I/O modalities of the requesting client (Saylor: col 23/lines 60-67, col 21/lines 7-41).

Regarding claim 5, the conversational portal discovers, ascertain, identify (i.e. detects) the I/0 modalities of the requesting client to convert the multi-modal information into the modality-specific format (Saylor: col 21/lines 7-41, modality of client: col 18/lines 45-col 19/line 11, col 19/lines 46-50, conversion: col 23/lines 60-67).

Regarding claim 6, discern (i.e. detects) the I/0 modalities of the requesting client based on the registration protocols (Saylor: registration setup: transactions based on user identified registration, col 8/lines 56-col 8/line 13, subscribe registration discern modalities of client, col 16/lines 18-col 17/line 4).

Regarding claim 7, comprising a (portal directory) database (Saylor: 18 of Fig. 1, col 14/lines 19-28), accessible by the conversational browser, for storing one of an index of information sources, (Saylor: indexed: col 18/lines 13-19, index: col 8/lines 14-36).

Regarding claim 8, the information is maintained in a (multi-modal) format by a service provider (Saylor: 70 of Fig. 1, col 11/lines 43-52) of the conversational portal under business agreements between the service provider of the conversational portal and service provider of the information sources (Saylor: business arrangement: col 34/lines 14-34, business: col 38/lines 13-24).

Regarding claim 9, capturing a connection between the requesting client and the conversational portal and maintaining communication link (holding the client captive) during predetermined time periods (Saylor: col 26/lines 39-40).

Regarding claim 10, a link provided by the conversational browser is selected by the requesting client and rendered or served to the requesting client (Saylor: voice browser; col 26/lines 41-54).

Regarding claim 11, the requesting client is released when a link is directly requested by the requesting client (Saylor: col 26/lines 39-40).

Regarding claim 12, a service provider of the conversational portal provides advertisements, during time period in which the requesting client is connected (Saylor: col 26/lines 39-40).

Regarding claim 13, time period between connections established links between different information sources (Saylor: col 26/lines 39-40).

Regarding claim 14, wherein the advertisements and services are multi-modal (Saylor: content: col 2/lines 5-16, visual or audio content, & multi-modal information col 4/lines 16-28, advertisements: col 9/lines 54-58, ads; col 36/lines 48-67).

Regarding claim 15, wherein the advertisements and services are provided by the service provider on behalf of a third-party under a business agreement between the service provider of the conversational portal and third-party (Saylor: col 36/lines 48-col 37/line, third-party, col 45/lines 65-col 46/line 25).

Regarding claim 16, for creating audio files or clips (segmenting) and forming structural order of the audio files or clips (indexing) audio and multimedia data obtained from an information source (Saylor: col 8/lines 14-36 audio or visual information, indexing multimedia (text, graphics, audio, video) retrieval: Saylor: col 8/lines 37-53); and a multimedia database for storing the indexed audio and multimedia data (Saylor: col 8/lines 37-53, index database; col 18/lines 13-19).

Regarding claim 17, retrieving as discussed above, obtains desired segments from the multimedia database in response to a client request and presents such segments to the client (Saylor: col 8/lines 14-53, index database; col 18/lines 13-19) based on the I/O capabilities of the client (Saylor: col 3/line 63-col 4/line 4 format that is compatible with the I/O modalities of the requesting client col 8/lines 14-36, presented to the user: col 5/lines 4-8, provide to user visual or audio content: col 5/lines 9-20).

Regarding claim 18, the conversational browser periodically downloads multimedia data from one information source to index and store the multimedia data in the multimedia database (Saylor: col 18/lines 32-38).

Regarding claim 19, the downloading and indexing of the multimedia data of the information source is performed under a business agreement between a service provider of the conversational portal and a service provider of the information source (Saylor: col 7/lines 4-17).

Regarding claim 20, subscription program for registering a subscriber (Saylor: col 7/lines 56-col 8/line 13), a program comprising user-selected multimedia segments in the multimedia database (selection of clips see Saylor col 7/lines 32-47, segments col 9/lines 47-58).

Regarding claim 21, (registered) subscriber can conversationally navigate the program and select desired segments for broadcasting via the requesting client (Saylor: col 5/lines 9-20).

Regarding claim 22, however the above-mentioned prior art of record does not teach radio services upon request (i.e. upon demand) which the registered subscriber access via a wireless phone.

Official Notice (*see MPEP § 2144.03 Reliance on "Well Known" Prior Art)* is taken that radio services via a wireless mobile or portable phone was old and well known in the Data Processing art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include radio services upon request (i.e. upon demand) which the registered subscriber access via a wireless phone, motivation may download software to customize the wireless phone with enhancing features, such as mobile service authorization codes that are specific to the wireless mobile radiotelephone set owner and operative for enabling telephone service to the wireless mobile radiotelephone set (see Ref A).

Regarding claim 23, comprising features discussed on claim 1, same rationale of rejection is applicable and further:

an access device having one input/output modality (Saylor: device supporting one modality: col 9/lines 59-col 10/line 5, client access device: col 5/lines 9-20 supporting one modality, user device: col 14/lines 10-14, Huna: devices (102, 108 & 110) having varying I/O capabilities (col 6/lines 24-28, e.g. voice-only, text-only, col 20/lines 52-55, 66-col 21/line 2);

a content server (70 of Fig. 1, col 11/lines 43-52 or 18 of Fig. 1, col 14/lines 19-28).

Regarding claim 24, the content server provides one of multi-modal content Vpages (pages) (Saylor: visual/audio mode page content, col 2/lines 4-17, multi-mode content, col 4/lines 43-59).

Regarding claim 25, wherein the multi-modal content pages and applications are implemented in a modality-independent representation (Saylor: col 4/lines 43-59, multi modal, col 14/lines 56-59, multi-modal Vpages, col 21/lines 7-41).

Regarding claim 26, a voice (conversational) browser for fetching and processing one multi-modal content page for presentation to a user based on the I/O capabilities of the access device supporting user selections (Saylor col 26/lines 41-45, fetch, col 29/lines 17-28, Huna: converting the information to be delivered to identified device based on is I/O capabilities or modalities (Fig. 8, step 818, col 15/lines 25-45, conversion capabilities based on the I/O capabilities of the receiving device, col 20/lines 34-35).

Regarding claim 27, converting one multi-modal content page into one modality-specific representation based on detected I/O capabilities of the access device (Saylor: col 23/lines 60-67, col 21/lines 7-41, Huna, Fig. 8).

Regarding claim 28, accessible by the conversational portal, for converting a modality-specific site of a content provider into a multi-modal representation (Saylor: the conversational portal discover, ascertain, identify (i.e. detects) the I/0 modalities of the requesting client to convert the multi-modal information into the modality-specific format col 21/lines 7-41, modality of client: col 18/lines 45-col 19/line 11, col 19/lines 46-50, conversion: col 23/lines 60-67, Huna: converting the information to be delivered to identified device based on is I/O capabilities or modalities Fig. 8, step 818, col 15/lines 25-45, conversion capabilities based on the I/O capabilities of the receiving device, col 20/lines 34-35).

Regarding claim 29, the conversion service is provided by the content provider (Saylor: col 2/lines 21-26, 59-64) or a third-party under a business agreement with the content provider (Saylor: col 7/lines 4-23).

Regarding claim 30, an interface (conversational browser) (Saylor: interface col 5/lines 2-8) for processing and presenting one of a multi-modal content page and application received by the conversational portal (Saylor: col 10/lines 62-64).

Regarding claim 31, the conversational portal is access by calling a pre-designated telephone number (Saylor: dialing a number, col 6/lines 30-33, connect via telephone, col 25/lines 59-63.

Regarding claim 32, a listing (directory) of content server addresses (Saylor: col 14/lines 23-32).

Regarding claim 33, wherein the (portal directory) database comprises one of multi-modal content pages (Saylor: col 14/lines 23-27), associated with one content provider hosted by the conversational portal (Saylor: multi-modal pages associated with provider 70 of Fig. 1, col 11/lines 43-52)

Regarding claim 34, comprising features discussed on claim 1 and 23, same rationale of rejection is applicable, and further wherein:

access to information is over a communication network (16 of Fig. 1) (Saylor: col 14/lines 14-22);

establishing communication with a conversational portal using an access device (14 of Fig. 1) (Saylor: col 14/lines 1-22, access via communication link, col 5/lines 21-37, communication medium, col 11/lines 43-52).

Regarding claim 35, the retrieved information comprises one of multi-modal content pages (modality-independent format) (Saylor: col 14/lines 46-60, multi-modal content col 23/lines 34-47, col 4/lines 43-col 5/line 20).

Regarding claim 36, detecting at least one I/O modality of the access device (Fig. 8), and transcoding i.e. converting the retrieved multi-modal information into at least one modality-specific format corresponding to the at least one detect I/O modality (Huna; converting the information to be delivered to identified device based on is I/O capabilities or modalities Fig. 8, step 818, col 15/lines 25-45, conversion capabilities based on the I/O capabilities of the receiving device, col 20/lines 34-35).

Regarding claim 37, established communication with the user (i.e. holding the user captive) during a period in which the retrieving step is executed, presenting one of advertisements (Saylor: col 26/lines 39-40).

Regarding claim 38, provide a broadcast on demand service (Saylor: col 26/lines 39-40).

4. Claim 1 is also be rejected under 35 U.S.C. 103(a) as being unpatentable over Jamtgaard et. al. (Jamtgaard) U.S. Patent No. 6,430,624.

Regarding claim 1, Jamtgaard teaches substantial features of the invention as claimed, teaching a system/method for providing multi-modal services to clients having multiple different I/O capabilities and/or I/O format requirement (abstract, col 1/lines 8-col 2/line 26);

conducting information exchange (i.e. multi-modal dialog) with clients (5, 15 of Figs. 1-4) *having varying input or output* (i.e. visual and/or audio) *capabilities (i.e. I/O modalities)* (col 4/lines 58-col 5/line 6),

retrieving information from an information source in response to a request from a requesting client (col 7/lines 13-15),

serving or presenting the retrieved information to the requesting client format that is compatible with the I/O modalities of the requesting client (col 4/lines 39-50);

converting the retrieved page if necessary for presenting the retrieved page in a format compatible with the I/O modalities of the requesting client; (Jamtgaard see col 7/lines 12-30, col 4/lines 39-50).

Response to arguments

5. Applicant argues prior art does not teach claim limitation as amended, specifically, converting the retrieved page, if necessary in a format that is compatible with the I/O modality of the requesting client, because according to applicant, (i) the Saylor reference discloses a portal that is capable of serving only Vpages containing voice, (ii) the Huna reference converts messages to a format compatible to the recipient device, but converting *text messages is very different than converting pages,* because according to applicant *messages have no structure*, (ii) the Jamtgaard reference teaches converting the retrieved page, if necessary in a format that is compatible with the I/O modality of the requesting client, according to applicant, however this function is performed by a translation server acting as a proxy server, therefore does not function as a portal.

In response to the above-mentioned argument, applicant's interpretation of the prior art is noted. However, according to applicant's specification a portal may be a gateway see disclosure page 3, lines 10-12, a conversational portal comprises a conversational browser which retrieves information from an information source in response to a request from a client and then server or presents the retrieved information in a format that is compatible with the I/O modality of the requesting client see disclosure page 7, lines 17 to page 18, line 6, *this is the function of a proxy server*. Further according to applicant's specification, the conversational portal comprises a portal proxy/capture module 20 on Fig. 1 see disclosure 19, lines 8-10. System 10 on Fig. 1 further includes a conversational proxy server 27 having a transcoder 28 which may be used to transcode pages/application of one or more sites of a given content provider see disclosure page 28, line 19-page 29, line 5. Applicant's arguments, such as that a proxy server is not a portal and that messages have no structure, are not persuasive.

Prior art teach Huna and Jamtgaard teach claim limitation as amended including, converting the retrieved page, if necessary in a format that is compatible with the I/O modality of the requesting client.

6. Applicant's arguments have been fully considered but not rendered persuasive.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Prosecution of this application is closed by means of this final office action § 1.113, applicant may request continued examination of the application by filing a Request for Continued Examination of under 37 CFR § 1.114 and providing the corresponding fee set forth in § 1.17(e) for the submission of, but not limited to, new arguments, an information disclosure statement, an amendment to the written description, claims, drawings, or new evidence in support of patentability. Or applicant whose claims have been twice rejected, may appeal from the decision of the administrative patent judge to the Board of Patent Appeals and Interferences under 35 U.S.C. §134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (703) 305-0750. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Mark R. Powell can be reached on (703) 305-9703. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6606. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to the Central Fax Office:

(703) 872-9306, for Official communications and entry

Or Telephone:

(703) 306-5631 for TC 2100 Customer Service Office

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

MARC D. THOMPSON

MARC THOMPSON

PRIMARY EXAMINER

B. Prieto

TC 2100

Patent Examiner

October 13, 2003